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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

22082-3001

First named inventor: MILLER, Paul Leonard

Application No.: 10/804,604

Art Unit: Unknown

Filed: March 18, 2004

Examiner: Unknown

Title: ACTIVE TISSUE AUGMENTATION MATERIALS AND METHOD

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

- ☒ Small entity-fee \$ 750 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

- A. The reply and/or fee to the above-noted Office action in the form of Response to Notice to File Corrected Application Papers (identify type of reply):
- 06/08/2005 AWONDAF1 00000041 501901 10804604
- ☐ has been filed previously on _____
- ☒ is enclosed herewith. 01 FC:2453 750.00 DA
- B. The issue fee and publication fee (if applicable) of \$ _____
- ☐ has been paid previously on _____
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.


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3. Terminal disclaimer with disclaimer fee

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

 _____ Signature	<u>6/2/05</u> _____ Date
_____ Barbara A. Wrigley Typed or printed name	_____ 34,950 Registration Number, if applicable
_____ c/o Oppenheimer et al., Ste. 3300 Plaza VII, 45 S. 7th Street Address	_____ 612-607-7595 Telephone Number
_____ Minneapolis, Minnesota 55402 Address	

- Enclosures: ☐ Fee Payment
- ☒ Reply
- ☐ Terminal Disclaimer Form
- ☐ Additional sheets containing statements establishing unintentional delay
- ☒ Other: Replacement Drawings (1 page)


CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

June 2, 2005
Date



Signature

Molly McClellan
Typed or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Paul Leonard Miller

Serial No.: 10/804,604

Filing Date: March 18, 2004

Title: ACTIVE TISSUE AUGMENTATION
MATERIALS AND METHOD

Docket #: 22082-3001 (formerly 13437.001-US-C2)

Group Art Unit: Not Yet
Assigned

Examiner: Not Yet Assigned

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

I certify that this paper is being deposited with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to MS Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 2, 2005 (37 CFR 1.8a).

Molly McClellan
Molly McClellan

PETITION TO REVIVE UNDER 37 C.F.R. §1.137(b)

Concurrently with the Response to Notice to File Corrected Application Papers dated June 2, 2004 set forth in detail below, Applicant separately submits a Petition to Revive an Unintentionally Abandoned Patent Application under 37 C.F.R. §1.137(b) and fee and respectfully requests that the Petition be granted.

POWER OF ATTORNEY AND CHANGE IN CORRESPONDENCE ADDRESS

In addition, Applicant separately submits a Power of Attorney and Change in Correspondence Address from the assignee of the present application who has authority by virtue of an assignment filed in the assignment division of the USPTO on April 6, 2005. Because Applicant has not yet received confirmation of recordation, the assignment is attached hereto for the convenience of the Office.

RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS

In response to the Notice to File Corrected Application Papers mailed June 2, 2004 (copy attached hereto), Applicant hereby submits the enclosed replacement drawings in compliance with 37 C.F.R. §§ 1.84 and 1.121. The amendment to the drawings includes the labeling of previously unlabeled Fig. 4 as "Fig. 4."

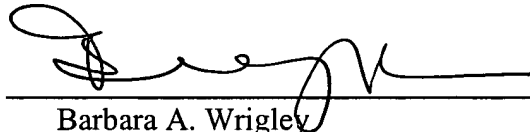
The Commissioner is hereby authorized to charge or credit the petition fee of \$750 (small entity) as well as any such other fees due in connection with the filing of these papers or credit any overpayment to Deposit Account No. 50-1901 (Reference #22082-3001).

Dated: June 2, 2005

Respectfully submitted,

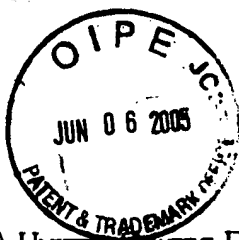
OPPENHEIMER, WOLFF & DONNELLY LLP
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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/804,604	03/18/2004	Paul Leonard Miller	13437.001-US-C2

CONFIRMATION NO. 9549

FORMALITIES LETTER



OC000000012843045

Attention of John C. Reich
MERCHANT & GOULD P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903

Date Mailed: 06/02/2004

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

An application number and filing date have been accorded to this application. The application is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given TWO MONTHS from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
 - More than one figure is present and each figure is not labeled "Fig." with a consecutive Arabic numeral (1, 2, etc.) or an Arabic numeral and capital letter in the English alphabet (A, B, etc.)(see 37 CFR 1.84(u)(1)). See Figure(s) 4.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

Meazp. W
Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY



PTO/SB/21 (03-03)

Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	10/804,604	
	Filing date	March 18, 2004	
	First Named Inventor	MILLER	
	Art Unit	N/A	
	Examiner Name	N/A	
Total Number of Pages in This Submission	13	Attorney Docket Number	22082-3001

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 <input type="checkbox"/> Copy of the PTO Form 1533 (Rev. 9/97), Notice to File Missing Parts of Application <i>Filing Date Granted</i> <input type="checkbox"/> Executed Declaration and Power of Attorney Document	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ Remarks:	<input type="checkbox"/> After Allowance Communication to a Technology Center (TC) <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal C. (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) please identify below): Return Postcard, Request to Revive Application and Response to Notice to File Corrected Application Papers; Copy of Notice to File Corrected Application Papers; Power of Attorney and Change of Correspondence Address; Replacement Drawing
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Barbara A. Wrigley, PTO Reg. No. 34,950
Signature	
Date	June 2, 2005

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313 on this date: _____			
Typed or printed	Molly McClellan		
Signature		Date:	June 2, 2005

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

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OPPENHEIMER: 2334188 v01 06/02/2005